



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

JAN 5 2012

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OFFICE OF  
WATER AND  
WATERSHEDS

The Honorable Chairman Brooklyn D. Baptiste  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, Idaho 83540

Dear Chairman Baptiste:

On December 15, 2011, the U.S. Environmental Protection Agency, Region 10 (EPA), received a letter from the Nez Perce Tribe requesting a government-to-government consultation regarding the EPA's upcoming Clean Water Act decision on Idaho water quality standards revision for toxics criteria to protect human health. The purpose of today's letter is to present dates and times when the EPA Regional Administrator, Dennis McLerran, will be available to consult with you on this matter.

On November 22, 2011, the EPA sent a letter to the Nez Perce Tribe offering a government-to-government consultation regarding the EPA's upcoming Clean Water Act decision on Idaho water quality standards revision for toxics criteria. As a follow up to our November 22, 2011 letter, the EPA held two informational conference calls with interested Tribes. Your staff participated in these calls which were held on December 7 and December 21, 2011. During the conference calls, we explained the schedule under which the EPA must make this Clean Water Act decision, which must be done no later than March 2, 2012. Consequently, we apprised your staff that we would need to conduct and conclude consultations by January 2012. We informed your staff that we would work to schedule consultation meetings with Dennis McLerran and interested tribal governments.

As of January 4, 2012, six tribes have requested consultation on the EPA's upcoming decision on Idaho water quality standards revision for toxics criteria to protect human health. To accommodate those requests in the month of January, we have carved out two days for consultation with Dennis McLerran and tribal governments. The first date is January 18, 2012, in Spokane, Washington, between the hours of 11:00 am and 3:00 pm at a location to be determined. The second date is January 20, 2012, in Boise, Idaho, between the hours of 9:00 am and 2:00 pm at the EPA Boise office on 1435 North Orchard St., Boise, Idaho.

To assist in the scheduling we have identified one hour time frames that Tribes could choose to meet with Dennis McLerran. If tribal governments are interested in meeting together as a group for the government-to-government consultation, we are open to conducting tribal consultations with more than one tribe. Please let us know if you are interested in a joint consultation meeting

In Spokane on January 18, we have four 1 hour time frames that Tribes can select:

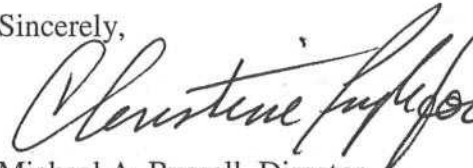
1. 11:00 am to 11:50 am;
2. 12:00 noon to 12:50 pm;
3. 1:00 pm to 1:50 pm; and
4. 2:00 pm to 2:50 pm

In Boise on January 20, we have four one hour time frames Tribes can select:

1. 9:00 am to 9:50 am;
2. 10:00 am to 10:50 am;
3. 11:00 am to 11:50 am; and
4. 1:00 pm to 1:50 pm

Please select the preferred location (Spokane or Boise) for the government-to-government consultation and your preferred time frame and inform Mary Lou Soscia of my staff. She will be coordinating the consultation logistics and she can be reached at (503)326-5873 or [soscia.marylou@epa.gov](mailto:soscia.marylou@epa.gov). Please let her know of your preference by no later than January 11, 2012.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

cc: Mr. Aaron Miles, Natural Resources Director  
Nez Perce Tribe

Mr. Ken Clark, Nonpoint Source Coordinator  
Nez Perce Tribe

Mr. Babbist (Paul) Lumley, Executive Director  
Columbia River Inter-Tribal Fish Commission